

UNITED STATES DISTRICT COURT  
District of South Dakota  
Western Division

FILED

MAY 04 1999

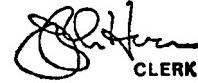
United States of America,

Plaintiff

vs.

James Harvey SMITH, Jr.,  
Defendant

ORDER MODIFYING  
SUPERVISED RELEASE  
CR #: 99-50029-001

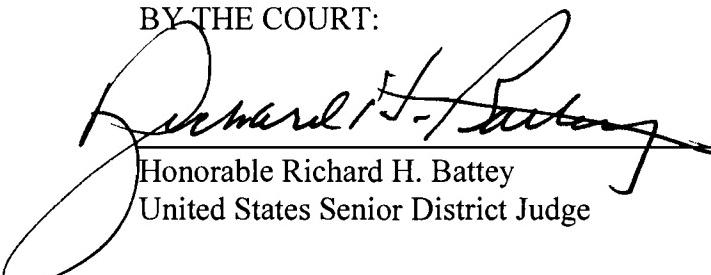
  
CLERK

In the above-entitled matter, the probation officer having made an official report upon the conduct and adjustment of the defendant, and the defendant having been duly advised of the proposed modification of Supervised Release and having waived his rights pursuant to Rule 32.1, Federal Rules of Criminal Procedure, said written waiver having been filed with the Clerk of Court, and for good cause shown, it is hereby ORDERED THAT

1. The defendant shall participate in a program approved by and at the direction of the United States Probation Office for treatment of substance abuse, which will include testing to determine if defendant has reverted to the use of alcohol or drugs.
2. The defendant shall participate in a program of a residential substance abuse facility as instructed by his probation officer until discharged by the facility director.
3. The defendant shall undergo inpatient/outpatient psychiatric or psychological treatment, as directed by his U.S. Probation Officer.
4. The defendant shall reside and participate in a community corrections facility program, as directed by the probation officer, under the provisions of 18 U.S.C. 3563(b)(11) and (22). The defendant shall be classified as a prerelease case.
5. The defendant shall submit a sample of his blood, breath, or urine at the discretion or upon the request of the supervising probation officer.
6. The defendant shall participate in a program of domestic violence counseling, if available, as directed by the probation officer.

Dated this 5<sup>th</sup> day of May, 1999.

BY THE COURT:

  
Honorable Richard H. Battey  
United States Senior District Judge

ATTEST:

JOSEPH HAAS, Clerk

BY Carol L. Merrill  
Deputy

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA**

**James Harvey SMITH,**

***Waiver of Hearing to Modify Conditions of  
Probation or Supervised Release or Extend Term of Supervision***

*I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of probation or supervised release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.*

*It is expressly understood that this waiver does not prohibit the use of incidents and/or allegations which form the basis of this waiver in future petitions for revocation of supervision or related hearings.*

*I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my conditions of probation or supervised release or to the proposed extension of my term of supervision.*

1. The defendant shall participate in a program approved by and at the direction of the United States Probation Office for treatment of substance abuse, which will include testing to determine if defendant has reverted to the use of alcohol or drugs.
2. The defendant shall participate in a program of a residential substance abuse facility as instructed by his probation officer until discharged by the facility director.
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5. The defendant shall submit a sample of his blood, breath, or urine at the discretion or upon the request of the supervising probation officer.
6. The defendant shall participate in a program of domestic violence counseling, if available, as directed by the probation officer.

*Witness:*

*C. Gillman*  
U.S. Probation Officer

*Signed:*

*J. Harvey Smith*  
Probationer or Supervised Releasee

*3/31/99*  
Date

*3/31*  
Date